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11 Attorney for Defendants

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)

15 Adobe Systems Incorporated,
16
Plaintiff,
17 v.

18 Kamal Salibi, Aref Salibi, Gifts & Things, Inc.
and Does 1 – 10, inclusive,
19 Defendants.

) Case No. CV08-1538 PJH
)
)

) ~~[PROPOSED]~~ PERMANENT
) INJUNCTION AND DISMISSAL WITH
) PREJUDICE

20 The Court, having read and considered the Joint Stipulation for Permanent Injunction and
21 Dismissal with Prejudice that has been executed by Plaintiff Adobe Systems Incorporated
22 (“Plaintiff”) and Defendants Kamal Salibi, Aref Salibi, and Gifts & Things, Inc. (collectively
23 “Defendants”) in this action, and good cause appearing therefore, hereby:

24 ORDERS that based on the Parties’ stipulation and only as to Defendants, their successors,
25 heirs, and assignees, this Injunction shall be and is hereby entered in the within action as follows:

26 1) This Court has jurisdiction over the parties to this action and over the subject matter hereof
27 pursuant to 17 U.S.C. § 101 *et seq.*, 15 U.S.C. § 1051, *et seq.*, 15 U.S.C. § 1121, and 28 U.S.C. §§
28 1331 and 1338. Service of process was properly made against Defendants.

1 2) Plaintiff is the owner of all rights in and to the copyright and trademark registrations listed
2 in Exhibits A and B attached hereto and incorporated herein by this reference (collectively referred
3 to herein as "Plaintiff's Properties").

4 3) Plaintiff has alleged that Defendants have made unauthorized uses of Plaintiff's Properties
5 or substantially similar likenesses or colorable imitations thereof.

6 4) Defendants and their agents, servants, employees and all persons in active concert and
7 participation with them who receive actual notice of the Injunction are hereby restrained and
8 enjoined from:

9 a) Infringing Plaintiff's Properties, either directly or contributorily, in any manner,
10 including generally, but not limited to manufacturing, importing, distributing, advertising,
11 selling and/or offering for sale any unauthorized product which features any of Plaintiff's
12 Properties ("Unauthorized Products"), and, specifically from:

13 i) Importing, manufacturing, distributing, advertising, selling and/or offering
14 for sale the Unauthorized Products or any other unauthorized products which
15 picture, reproduce, copy or use the likenesses of or bear a substantial similarity to
16 any of Plaintiff's Properties;

17 ii) Importing, manufacturing, distributing, advertising, selling and/or offering
18 for sale in connection thereto any unauthorized promotional materials, labels,
19 packaging or containers which picture, reproduce, copy or use the likenesses of or
20 bear a confusing similarity to any of Plaintiff's Properties;

21 iii) Engaging in any conduct that tends falsely to represent that, or is likely to
22 confuse, mislead or deceive purchasers, Defendants' customers and/or members of
23 the public to believe, the actions of Defendants, the products sold by Defendants, or
24 Defendants themselves are connected with Plaintiff, are sponsored, approved or
25 licensed by Plaintiff, or are affiliated with Plaintiff;

26 iv) Affixing, applying, annexing or using in connection with the importation,
27 manufacture, distribution, advertising, sale and/or offer for sale or other use of any
28 goods or services, a false description or representation, including words or other
symbols, tending to falsely describe or represent such goods as being those of
Plaintiff.

5) Each side shall bear its own fees and costs of suit.

6) Except as provided herein, all claims alleged in the Complaint are dismissed with prejudice.

1 7) This Injunction shall be deemed to have been served upon Defendants at the time of its
2 execution by the Court.

3 8) The Court finds there is no just reason for delay in entering this Injunction and, pursuant to
4 Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs immediate entry of this
5 Injunction against Defendants.

6 9) The Court shall retain jurisdiction of this action to entertain such further proceedings and to
7 enter such further orders as may be necessary or appropriate to implement and enforce the
8 provisions of this Injunction.

9 10) The above-captioned action, shall, upon filing by Plaintiff of the Joint Stipulation re Entry
10 of [Proposed] Judgment, [Proposed] Final Judgment and requesting entry of judgment against
11 Defendants, be reopened should any of the Defendants default under the terms of the Settlement
12 Agreement.

13 11) This Court shall retain jurisdiction over the Defendants for the purpose of making further
14 orders necessary or proper for the construction or modification of this consent decree and
15 judgment; the enforcement hereof; the punishment of any violations hereof, and for the possible
16 entry of a further Judgment Pursuant to Stipulation in this action.

17 DATED: 6/23/08

18 PRESENTED BY:

19 J. Andrew Coombs,
20 A Professional Corporation

21 By: /s/ Annie S. Wang
22 J. Andrew Coombs
23 Annie Wang
24 Attorneys for Plaintiff Adobe Systems Incorporated

25 SILVER & SILVER

26 By: Ira Silver
27 Ira Silver
28 Attorney for Defendants

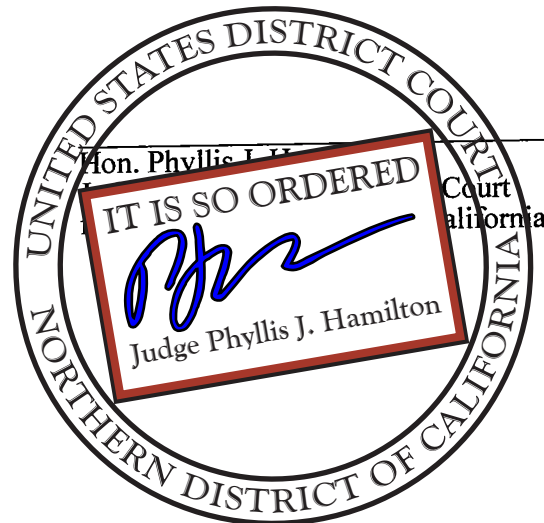


EXHIBIT A
Copyright Registrations

Title of Work	Copyright Registration No.
Acrobat 3D	TX0006277233
Acrobat Capture 1.0.	TX0004559023
Acrobat Capture 1.0.	TX0004559023
Acrobat Capture 2.0.	TX0004509574
Acrobat Capture 2.0.	TX0004509574
Acrobat Catalog for Windows.	TX0004001286
Acrobat Catalog for Windows.	TX0004001286
Acrobat Distiller 2.1 for Macintosh.	TX0004169553
Acrobat Distiller 2.1 for Macintosh.	TX0004169553
Acrobat Distiller 2.1 for Microsoft Windows.	TX0004169555
Acrobat Distiller 2.1 for Microsoft Windows.	TX0004169555
Acrobat Distiller for Microsoft Windows.	TX0003893510
Acrobat Distiller for Microsoft Windows.	TX0003893510
Acrobat Exchange 2.0 for Macintosh.	TX0004001287
Acrobat Exchange 2.0 for Macintosh.	TX0004001287
Acrobat Exchange 2.1 for Macintosh.	TX0004169554
Acrobat Exchange 2.1 for Macintosh.	TX0004169554
Acrobat Exchange 2.1 for UNIX.	TX0004231310
Acrobat Exchange 2.1 for UNIX.	TX0004231310
Acrobat Exchange and Acrobat Reader for Macintosh.	TX0003611923
Acrobat Exchange and Acrobat Reader for Macintosh.	TX0003611923
Acrobat Exchange and Acrobat Reader for Windows.	TX0003611922
Acrobat Exchange and Acrobat Reader for Windows.	TX0003611922
Acrobat Reader 2.0 for Windows.	TX0003893506
Acrobat Reader 2.0 for Windows.	TX0003893506
Acrobat Reader 3.0.	TX0004509573
Acrobat Reader 3.0.	TX0004509573
Acrobat Search for Macintosh.	TX0003991344
Acrobat Search for Windows.	TX0003978856
Acrobat Search for Windows.	TX0003978856
Acrobat.	TX0001644799
Adobe Accelio Capture Advanced Client 4.0 for Windows.	TX0005553357
Adobe Accelio Integrate Suite 6.0 for Windows.	TX0005553342
Adobe Acrobat 3.0 for Macintosh, Windows and UNIX.	TX0004583920
Adobe Acrobat 3.0 for Macintosh, Windows and UNIX.	TX0004583920
Adobe Acrobat 4.0.	TX0004961793
Adobe Acrobat 5.0 for Macintosh.	TX0005545266
Adobe Acrobat 5.0 for Windows.	TX0005545265
Adobe Acrobat 5.0 Getting Started Guide.	TX0005545267
Adobe Acrobat 6.0 for Macintosh.	TX0005748744
Adobe Acrobat 6.0 for Windows.	TX0005748745
Adobe Acrobat 7.0 Standard for Macintosh.	TX0006045087
Adobe Acrobat 7.0 Standard for Windows.	TX0006045086
Adobe Acrobat 8 Professional for Macintosh.	TX0006390830
Adobe Acrobat 8 Professional for Windows.	TX0006390827

1	Adobe Acrobat 8 Standard for Macintosh.	TX0006390829
	Adobe Acrobat 8 Standard for Windows.	TX0006390828
2	Adobe Acrobat Approval 5.0 for Macintosh.	TX0005654837
	Adobe Acrobat Approval 5.0 for Macintosh.	TX0005654837
3	Adobe Acrobat Approval 5.0 for Windows.	TX0005436556
	Adobe Acrobat Capture 3.0 source code.	TX0005199559
4	Adobe Acrobat Connect 1.0 for Macintosh.	TX0006390834
	Adobe Acrobat Connect 1.0 for Windows.	TX0006390835
5	Adobe Acrobat Distiller Server 5.0.5.	TX0005758527
	Adobe Acrobat Distiller Server 6.0 for UNIX.	TX0005847807
6	Adobe Acrobat Distiller Server 6.0 for Windows.	TX0005847832
	Adobe Acrobat eBook Reader v. 2.0.	TX0005335249
7	Adobe Acrobat eBook Reader v. 2.0.	TX0005335250
	Adobe Acrobat Elements 1.0 for Windows.	TX0005611299
8	Adobe Acrobat Elements 6.0 for Windows.	TX0005780821
	Adobe Acrobat Elements Server 6.0 for Windows.	TX0005848340
9	Adobe Acrobat Fill in 4.0.	TX0004241942
10	Adobe Acrobat Inroduction 1.0.	TX0005200942
	Adobe Acrobat Inroduction 1.0.	TX0005200942
11	Adobe Acrobat Messenger 1.0.	TX0005241268
	Adobe Acrobat Reader 5.0 for Macintosh.	TX0005412874
12	Adobe Acrobat Reader 5.0 for Windows.	TX0005412875
	Adobe Acrobat Reader 5.0.5 for AIX.	TX0005605114
13	Adobe Acrobat Reader 5.0.5 for HP-UX.	TX0005605113
	Adobe Acrobat Reader 5.0.5 for Solaris.	TX0005617024
14	Adobe Acrobat Reader 5.05 for Linux.	TX0005617021
	Adobe Acrobat Reader 5.1 for Macintosh.	TX0005620676
15	Adobe Acrobat Reader 5.1 for Windows.	TX0005620677
	Adobe Acrobat Reader for Palm OS 1.0 for Windows.	TX0005422793
16	Adobe Acrobat Reader for Palm OS 2.0 (Macintosh)	TX0005617023
	Adobe Acrobat Reader for Palm OS 2.0 (Windows)	TX0005617022
17	Adobe Acrobat Reader for Palm OS Beta Windows.	TX0005422794
	Adobe Acrobat Reader for Pocket PC : Version 1.0.	TX0005489269
18	Adobe ActiveShare 1.0.	TX0005086423
	Adobe ActiveShare 1.5 for Windows.	TX0005267528
19	Adobe After Effects : 7.0 Professional for Windows.	TX0006277334
	Adobe After Effects : Version 5.0 for Macintosh.	TX0005392887
20	Adobe After Effects : Version 5.0 for Windows.	TX0005438054
	Adobe After Effects : Version 5.5 for Macintosh.	TX0005493399
21	Adobe After Effects : Version 5.5 for Windows.	TX0005493400
	Adobe After Effects : Version 6.0 for Macintosh.	TX0005777908
22	Adobe After Effects : Version 6.0 for Windows.	TX0005777907
	Adobe After Effects 3.0 for Macintosh.	TX0004643401
23	Adobe After Effects 4.0 for Macintosh and Windows.	TX0005011464
	Adobe After Effects 5.5 Plug-in Power Pack for Macintosh.	TX0005546626
24	Adobe After Effects 5.5 Plug-in Power Pack for Windows.	TX0005546627
	Adobe After Effects 6.5 for Macintosh.	TX0005934788
25	Adobe After Effects 7.0 Standard for Macintosh.	TX0006277333
	Adobe After Effects 7.0 Standard for Windows.	TX0006277335
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27		
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1	Adobe After Effects CS3 Professional for Windows and Macintosh.	TX0006457851
	Adobe After Effects Production Bundle : Version 5.5 for Macintosh.	TX0005493398
2	Adobe After Effects Production Bundle : Version 5.5 for Windows.	TX0005493401
	Adobe After Effects Production Bundle 5.0 for Macintosh.	TX0005392886
3	Adobe After Effects Production Bundle 5.0 for Windows.	TX0005392888
	Adobe After Effects Version 6.5 for Windows.	TX0005934787
4	Adobe AlterCast 1.5 for Solaris.	TX0005520581
	Adobe AlterCast 1.5 for Windows.	TX0005520583
5	Adobe Atmosphere : Version 1.0 Public Beta.	TX0005401513
	Adobe Atmosphere 1.0 for Windows.	TX0005780857
6	Adobe Atmosphere Player 1.0 for Windows.	TX0005748760
7	Adobe Audition 1.0 for Windows.	TX0005777207
	Adobe Audition 1.5 for Windows.	TX0005932189
8	Adobe Audition 2.0 for Windows.	TX0006277359
	Adobe Audition 3.0 for Windows.	TX0006816095
9	Adobe Barcoded Paper Forms Solution 1.0 for Macintosh.	TX0005936309
10	Adobe Captivate 2 for Windows.	TX0006390833
	Adobe Carlson Regular.	TX0003374876
11	Adobe Caslon Alternate Bold Italic : Version 001.000.	TX0003501138
	Adobe Caslon Alternate Bold.	TX0003501547
12	Adobe Caslon Alternate Italic : Version 001.000.	TX0003501139
	Adobe Creative Suite 2 Premium for Macintosh.	TX0006131248
13	Adobe Creative Suite 2 Premium for Windows.	TX0006131245
	Adobe Creative Suite 2 Standard for Macintosh.	TX0006131247
14	Adobe Creative Suite 2 Standard for Windows.	TX0006131246
	Adobe Creative Suite for Macintosh.	TX0005844481
15	Adobe Creative Suite for Windows.	TX0005844480
	Adobe Dreamweaver CS3 Professional for Windows and Macintosh	TX0006534561
16	Adobe Exchange 2.0 for Windows.	TX0003961129
	Adobe Extension Manager CS3 for Windows and Macintosh.	TX0006531581
17	Adobe Fireworks CS3 for Windows and Macintosh.	TX0006531654
	Adobe Flash CS3 Professional for Windows and Macintosh.	TX0006531604
18	Adobe Flash CS3 Professional for Windows and Macintosh.	TX0006531604
	Adobe Flash Media Encoder 1.0.	TX0006526716
19	Adobe Flash Media Encoder 1.0.	TX0006526716
20	Adobe Flash Player 9 for Linux.	TX0006476523
	Adobe Flash Player 9 for Linux.	TX0006476523
21	Adobe Flash Player 9 for Solaris.	TX0006457897
	Adobe Illustrator : Version 5.0.1 (Mac).	TX0003846115
22	Adobe Illustrator : Version 5.5 (Mac).	TX0003846114
	Adobe Illustrator : Version 6.0 Macintosh.	TX0004240043
23	Adobe Illustrator 10 for Macintosh.	TX0005446858
	Adobe Illustrator 10 for Windows.	TX0005446857
24	Adobe Illustrator 3.0.	TX0003000202
	Adobe Illustrator 8.0 for Macintosh and Windows.	TX0004953097
25	Adobe Illustrator 9.0 for Macintosh and Windows.	TX0005159819
	Adobe Illustrator CS for Macintosh.	TX0005780817
26	Adobe Illustrator CS for Windows.	TX0005780806
27	Adobe Illustrator CS3 for Windows and Macintosh.	TX0006531603
28		

1	Adobe Illustrator.	TX0003380406
	Adobe PageMaker 6.0 for Macintosh, Power Macintosh.	TX0004093314
2	Adobe PageMaker 6.5 Macintosh.	TX0004524555
	Adobe PageMaker 7.0 for Macintosh.	TX0005409447
3	Adobe PageMaker 7.0 for Windows.	TX0005409446
	Adobe Pagemaker Plug-in Pack for Macintosh.	TX0005847834
4	Adobe Pagemaker Plug-in Pack for Windows.	TX0005847833
	Adobe Photoshop : 5.5.	TX0005213806
5	Adobe Photoshop 6.0.	TX0005196369
	Adobe Photoshop 7.0 for Macintosh.	TX0005562147
6	Adobe Photoshop 7.0 for Windows.	TX0005562148
	Adobe Photoshop Album 2.0 for Windows.	TX0005780785
7	Adobe Photoshop CS for Macintosh.	TX0005780846
	Adobe Photoshop CS for Windows.	TX0005780847
8	Adobe Photoshop CS2 for Macintosh.	TX0006131272
	Adobe Photoshop CS2 Official JavaScript Reference	TX0006273756
9	Adobe Photoshop CS3 for Windows and Macintosh.	TX0006528611
	Adobe Photoshop Elements : 4.0 for Macintosh.	TX0006277687
10	Adobe Photoshop Elements 1.0 for Macintosh and Windows.	TX0005329106
	Adobe Photoshop Elements 2.0 for Macintosh.	TX0005592639
11	Adobe Photoshop Elements 2.0 for Windows.	TX0005592638
	Adobe Photoshop Elements 4.0 for Windows.	TX0006139024
12	Adobe Photoshop Lightroom 1.0 for Macintosh and Windows.	TX0006526701
	Adobe Photoshop Macintosh.	TX0003551958
13	Adobe Photoshop Version 3.0 Mac.	TX0003971820
	Adobe Photoshop Version 3.0 Windows.	TX0003616850
14	Adobe Photoshop Version 5.0 Macintosh and Windows.	TX0004856009
	Adobe Photoshop Windows.	TX0003596143
15	Adobe Photoshop.	TX0004068613
	Adobe Photoshop.	TX0003120306
16	Adobe Photoshop.	TX0002897138
	Adobe Photoshop.	TX0005176752
17	Adobe Photoshop.	TX0004809739
	Adobe Photoshop : Version 4.0 : Macintosh and Windows.	TX0004571653
18	Adobe Photoshop : Version 4.0 : Macintosh and Windows.	TX0005800627
	Adobe Photoshop : Version 4.0 : Macintosh and Windows.	TX0005800627
19	Authorware 7.0	TX0006471404
	Contribute 4 (Mac)	TX0005932242
20	Designer 6.0 (Win)	TX0006277348
	Encore DVD 2.0	TX0005401449
21	Font Folio 9.0 (Mac)	TX0005845931
	Font Folio Open Type	TX0006042527
22	Form Manager 6.0	TX0005596921
	Framemaker 7.0 (Mac)	TX0005596919
23	Framemaker 7.0 (Win)	TX0005746988
	FreeHand MX (Mac)	TX0006131268
24	GoLive CS2 (Mac)	TX0006131269
	GoLive CS2 (Win)	TX0006131282
25	Illustrator CS2 (Mac)	TX0006131283
	Illustrator CS2 (Win)	TX0005780859
26	InCopy CS (Mac)	
27		
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1	InCopy CS (Win)	TX0005780858
2	InDesign CS2 (Mac)	TX0006139165
3	Macintosh Distiller.	TX0003893508
4	Macintosh PDF Writer.	TX0003893509
5	Macintosh Reader.	TX0003893511
6	Macromedia ColdFusion MX 7	TX0006201577
7	Macromedia Dreamweaver MX 2004	TX0005852659
8	Macromedia Fireworks MX 2004	TX0005839595
9	Macromedia Flash Lite 2.0	TX0006288632
10	Macromedia Flash Media Server 2	TX0006335779
11	Macromedia Flash MX 2004 Pro	TX0005852657
12	Macromedia RoboHelp HTML X5	TX0005944534
13	Macromedia RoboHelp X5	TX0005944535
14	Macromedia Shockwave for Authorware Run-time Version 3.5 [for Macintosh, Power Macintosh, Windows 3.1/95/NT]	TX0004695283
15	Macromedia Shockwave for FreeHand 5.0 (for Macintosh, Power Macintosh, Windows 3.1/95/NT)	TX0004671697
16	PhotoDeluxe 2.0 (Mac)	TX0004771678
17	PhotoDeluxe 2.0 (Win)	TX0004617316
18	Photoshop CS2 (Win)	TX0006131279
19	Photoshop Elements 5.0	TX0006389641
20	Premiere 7.0	TX0005777909
21	Premiere Elements 3.0	TX0006389647
22	Premiere Pro 1.5	TX0005931988
23	Premiere Pro 2.0	TX0006275628
24	Production Studio 1.0	TX0006277349
25	Shockwave for Director 5.0.	TX0004700912
26	Windows PDF Writer.	TX0003893507

EXHIBIT B
Trademark Registrations

<u>Trademark Registration No.:</u>	<u>Title of Work:</u>	<u>Rights Owner:</u>
3029061	ADOBE	Adobe Systems Incorporated
2920764	PHOTOSHOP	Adobe Systems Incorporated
3111341	CREATIVE SUITE	Adobe Systems Incorporated
2993457	CO-AUTHOR	Adobe Systems Incorporated
3032288	A	Adobe Systems Incorporated
2983111	VISUAL COMMUNICATOR	Adobe Systems Incorporated
3065143	ADOBE LIVECYCLE	Adobe Systems Incorporated
2725811	ADOBE STUDIO	Adobe Systems Incorporated
2725810	ADOBE STUDIO	Adobe Systems Incorporated
2722546	ADOBE STUDIO	Adobe Systems Incorporated
2557911	CLEARLY ADOBE IMAGING	Adobe Systems Incorporated
2076967	THE ADOBE GROUP	Adobe Systems Incorporated
2081343	A	Adobe Systems Incorporated
2817626	ROUNDTRIP HTML	Adobe Systems Incorporated
2060488	ILLUSTRATOR	Adobe Systems Incorporated
1988712	ADOBE	Adobe Systems Incorporated
1988711	A	Adobe Systems Incorporated
1988710	A	Adobe Systems Incorporated
1961762	AUTHORWARE	Adobe Systems Incorporated
1956216	ADOBE	Adobe Systems Incorporated
1901149	A ADOBE	Adobe Systems Incorporated
1850242	PHOTOSHOP	Adobe Systems Incorporated
1852943	A	Adobe Systems Incorporated
1651380	ADOBE PHOTOSHOP	Adobe Systems Incorporated
1475793	ADOBE	Adobe Systems Incorporated
1487549	ADOBE SYSTEMS INCORPORATED	Adobe Systems Incorporated
1482233	ADOBE SYSTEMS INCORPORATED	Adobe Systems Incorporated
1486895	ADOBE	Adobe Systems Incorporated
1479408	ADOBE ILLUSTRATOR	Adobe Systems Incorporated
1383131	POSTSCRIPT	Adobe Systems Incorporated

1	1463458	POSTSCRIPT	Adobe Systems Incorporated
2	2520435	MACROMEDIA FLASH	Adobe Systems Incorporated
3	2650911	MACROMEDIA FLASH	Adobe Systems Incorporated
4	2852245	FLASH	Adobe Systems Incorporated
5	2855434	FLASH	Adobe Systems Incorporated
6	2060488	ILLUSTRATOR	Adobe Systems Incorporated
7	2068523	ACROBAT	Adobe Systems Incorporated
8	1997398	ACROBAT CAPTURE	Adobe Systems Incorporated
9	1901566	SHOCKWAVE	Adobe Systems Incorporated
10	2294926	DREAMWEAVER	Adobe Systems Incorporated
11	2091087	PAGEMAKER	Adobe Systems Incorporated